JUDGE SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

14 CV 3814

MICHAEL MCCLURE, McClure,	: COMPLAINT
- against -	: 13 Civ. ________
TIFFANY & CO. and TIFFANY AND COMPANY Defendants.	: JURY TRIAL DEMANDED

RECEIVED
MAY 29 2014
U.S.D.C. S.D. N.Y.
CASHIERS

Plaintiff Michael McClure ("McClure"), by and through his undersigned counsel, as and for his Complaint against Defendants Tiffany & Co. and Tiffany and Company (collectively, "Tiffany") upon personal knowledge as to his own acts and status and upon information and belief as to all other matters, hereby alleges as follows:

NATURE OF THE CLAIMS

1. McClure, an extremely productive and long-tenured manager at Tiffany, brings this action to obtain redress for Tiffany's blatantly discriminatory employment policies and practices. As set out in more detail below, Tiffany has discriminated against McClure and other African-Americans because of its antiquated belief that African-Americans cannot properly represent a luxury brand like Tiffany. Tiffany's racial bias is exemplified in part by its hiring and promotion practices which have resulted in African-Americans being severely underrepresented in management level positions and completely excluded from executive level position. Indeed, of the greater than 200 customer facing management level positions in the United States, only one, a lower level position, is held by an African-American, namely McClure. Recent changes in

management have exacerbated McClure's individual circumstances and Tiffany has now drawn the conclusion that even one African-American is too many. As a result, Tiffany recently threatened McClure with termination for baseless, completely pre-textual reasons.

2. Tiffany's conduct has been knowing, malicious, willful and wanton and shows a reckless disregard for the rights of McClure and other African-Americans. Among other things, the recently hired member of Tiffany's senior management team who is primarily responsible for articulating its "global brand" has expressed to other members of senior management his surprise with reference to McClure that a "black man is representing the Tiffany brand." Tiffany's actions have caused, and will continue to cause, McClure to suffer substantial economic and non-economic damages, harm to his professional and personal reputation, mental anguish and emotional distress.

3. Tiffany's discriminatory employment practices violate Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"), the New York State Human Rights Law, New York Executive Law §§ 290 et seq. and the New York City Administrative Code §§ 8-101 et seq. ("NYCHRL"). Plaintiff seeks to recover compensatory damages, injunctive relief, costs, attorney's fees and other items to make him whole him for the damages he has suffered, as well as punitive damages to deter Tiffany from repeating the same or similar unlawful discriminatory conduct.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as this action involves federal questions regarding the deprivation of McClure's

rights under Section 1981. The Court has supplemental jurisdiction over McClure's related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

PARTIES

6. McClure is an African-American man who currently resides in Katy, Texas. At all relevant times, he met the definition of an "employee" under all applicable statutes.

7. Tiffany principally engages in the design, manufacture and retail sale of luxury jewelry. Tiffany is organized and does business under the laws of the State of New York or some other jurisdiction, with a principal place of business located at 200 Fifth Avenue, New York, New York 10022. At all relevant times, Tiffany has met the definition of an "employer" under all applicable statutes.

8. Tiffany is a public company whose shares are traded on the New York Stock Exchange. As of January 31, 2014, Tiffany operates 111 stores in the Americas, consisting of 84 in the United States, 12 in Canada, 10 in Mexico and 5 in Brazil. It also has stores in Asia, the Middle East and Europe. Tiffany employs more than 10,000 employees around the world and approximately 5,200 in the United States.

9. Tiffany's 2013 net sales exceeded $4 billion.

10. Tiffany's senior management and its Human Resources department are headquartered and centralized in New York City and that is where its personnel policies and procedures are promulgated and significant management decisions are made.

PROCEDURAL REQUIREMENTS

11. Prior to the commencement of this action, a copy of this Complaint was served on the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, satisfying the notice requirements of § 8-502 of the New York City Administrative Code.

12. Any and all other prerequisites to the filing of this suit have been met.

FACTUAL ALLEGATIONS

Tiffany's Non-Diverse Workforce

13. Tiffany spends significant amounts of money evaluating certain consumers' perception of the company and its relation to perceived luxury, sophistication, style and romance. Tiffany's assessment of customer preferences has created, or alternatively, has reinforced an unlawful bias against African-Americans. The blatantly racist bias that African-Americans cannot effectively represent the "Tiffany brand" recently has been adopted by senior members of Tiffany's management.

14. Tiffany's Board of Directors is ultimately responsible for ensuring that Tiffany complies with anti-discrimination laws and does not engage in systematic discriminatory personnel practices. Tiffany's Board of Directors has failed to properly discharge its obligations with regard to preventing discrimination, including against African-Americans in general and McClure in particular.

15. Tiffany's management level workforce lacks representation by people of color to an extent that cannot be coincidental.

16. Tiffany's Board of Directors currently has nine members; none are African-American.

17. Tiffany has 12 Executive Officers and none are African-American.

18. Tiffany has 7 Senior Vice Presidents in the United States and none are African-American.

19. Tiffany has 4 Group Vice Presidents and 7 Market Vice Presidents in the United States. There are no African-Americans among either of these groups.

20. Tiffany also employs in total approximately 50 Vice Presidents in the United States and, again, none are African-American.

21. Group Director is the rank below Vice President. Group Directors are assigned to one of the 25 top ranked stores in terms of sales and generally have responsibility for more than one store.

22. Group Directors report to Market Vice Presidents. There are 62 Group Directors in the United States. McClure is the only African-American Group Director.

23. Store Director is the rank below Group Director. Store Directors lead, develop and support the sales and operations teams at each Tiffany store. Tiffany has 111 stores in North America. Not a single Store Director is African-American.

24. Store Directors and Group Directors are the principal ambassadors for the Tiffany brand in their respective local markets, representing the brand at media and high profile events and with important clients.

Tiffany Does Not Promote Diversity

25. Although Tiffany has adopted anti-discrimination policies, they are simply cosmetic devices and the Board of Directors has taken few, if any, substantive measures to prevent the discriminatory practices or to promote diversity.

26. Tiffany does not conduct any diversity training.

27. Tiffany does not evaluate or compensate its Store Directors or its Group Directors with regard to promoting diversity.

28. Tiffany has never conducted a diversity audit.

29. Tiffany has not recently, if ever, conducted an audit of its employment practices.

30. Tiffany does not actively, if at all, monitor minority hiring, except recently with regard to Chinese applicants and employees.

31. Tiffany does not recruit at any of the historically black colleges or universities.

32. Tiffany management makes references to the "Tiffany Culture Fit" in connection with hiring, but no one has ever defined for McClure what that entails.

33. Tiffany does not promote and, in fact, has discouraged the hiring of African-Americans at meetings among senior management.

McClure's Exemplary Performance

34. McClure reports to Jonathan Bruckner, who is a Market Vice President.

35. McClure is a Group Director, with management responsibility for two Tiffany stores located in Texas. Both stores are located in Houston, one at the Galleria Mall (the "Galleria") and the other in the Woodlands, at Market Street.

36. The Galleria store is one of Tiffany's flagship stores which means that it is among Tiffany's top ten stores in North America as measured by retail sales.

37. McClure has managed the Galleria store since 2003. He has been an employee at Tiffany since October 1993.

38. Each year Tiffany awards a "Store of the Year" based on overall performance, with sales in comparison to plan, prior year and peers being most important.

39. McClure won the Store of the Year award for the Galleria store in two consecutive years, 2006 and 2007.

40. McClure has an exemplary record of making his sales plan and meeting profitability objectives ever since he first became a Store Director.

41. In 2009, 2010, 2011, and 2012, McClure was ranked as a "high performer" on his annual evaluation, commonly referred to as a "PMP".

42. In or about July 2013, Catherine Elward, who I reported to at the time (but not for much longer), gave me a mid-year performance review by phone. Elward told me that I was trending towards "high performer".

43. In or about September 2013, Jonathan Bruckner replaced Elward as the Market VP to whom I reported.

New Management and the Denial of McClure's Promotion

44. In November 2012, McClure applied for the Market Vice President position that had become available. Shortly after his application was received, he was told that the position was "on hold" pending the appointment of a new Senior Vice President, North America which ultimately turned out to be Anthony Ledru "SVP Ledru".

45. The next time McClure heard about the position in or about July 2013, when he was told it would be filled by Jonathan Bruckner, a Market Vice President, to whom McClure currently reports. McClure was never interviewed for the position.

46. Substantial changes to Tiffany's management team took place in 2013, including the appointment of a new President, Frederic Cumenal, on September 24, 2013 and SVP Ledru in May 2013.

47. In September 2013, Bruckner became the Market Vice President to whom McClure reported.

New Management Requests Head Shots And Objects to African-Americans Representing the Brand

48. In or about September 2013, the assistant to SVP Ledru requested that all Store Directors and Group Directors, that is, Tiffany's brand ambassadors, take a picture of themselves and send it to him. There was no explanation why SVP Ledru wanted the pictures except that it resulted from his "extensive market travels and meeting numerous people along the way". The request for photos of the Store Directors and Group Directors states in relevant part as follows:

> Good Morning –
>
> As a result of Anthony's extensive market travels and meeting numerous people along the way, he has requested pictures of all the Store Directors and Group Directors. I have been asked to coordinate this effort for our market. These pictures by no means need to be professional shots; however they must be business appropriate and can't be pictures that have your heads cropped out of a larger photo. A solo shot of you taken from your IPhone/Smart Phone will suffice.

49. In or about November 2013, SVP Ledru visited McClure's market. Shortly after that visit, a Tiffany employee heard SVP Ledru express his surprise to a small group of Market Vice Presidents that a "black man is representing the Tiffany brand." SVP Ledru was referring to McClure.

Tiffany's Discriminatory Review and Adverse Personnel Action

50. In 2013, the Galleria had a 15% increase in year-over-year sales. Only one other top ten Tiffany store experienced a double digit increase, and that store was awarded the

Shining Star award for exemplary performance. The Galleria's 2013 performance was excellent according to the key objective metrics.

51. All of McClure's eligible staff at the Galleria received bonuses based on the store's performance in 2013. All of the staff bonuses were approved by Bruckner, to whom McClure began to report midway through 2013, and the Human Resources department.

52. The Woodlands store experienced a 1% growth for fiscal year 2013 and its Store Director received a good performance evaluation on his PMP. The Store Director for the Woodlands who is not African-American received a bonus, as did its entire management staff.

53. Tiffany, through Bruckner, gave McClure his 2013 PMP on or about March 3, 2014.

54. There are four Key Accountability Indices on which Tiffany ranks its employees as part of a PMP.

55. Key Accountability 1, concerning the achievement of sales results, is the most important and most objective measure. It currently accounts for 50% of an employee's PMP, although in 2013 it accounted for 30%. McClure's rating in Key Accountability 1 was "Outstanding."

56. The next most important index is Key Accountability 2, which concerns "service excellence." In 2013, it amounted to 20% of an employee's overall ranking. McClure received a "Good Performer" rating for service excellence.

57. The final two Key Accountability Indices, numbers 3 and 4, concern "Talent Management" and "Corporate Standards and Directives." McClure was ranked "Needs

Improvement" on these two indices. The Needs Improvement ranking was objectively unfair. Among other things, the rating was based on a criticism of "store appearance and maintenance," which was wholly inconsistent with internal rankings of McClure's stores by Tiffany's own Creative Visual Merchandising team (the "CVM team"), the group that is responsible for rating the appearance of stores. The CVM Team rated McClure's stores as "good +" for 2013.

58. Despite receiving an Outstanding and Good Performer on Key Accountabilities 1 and 2, which comprise 50% of the PMP, despite being one of the only two top ten stores with double digit growth, despite the bonus awards to the remaining staff at McClure's stores, Tiffany placed McClure on warning and threatened him with termination.

59. It is extremely rare, if it has ever happened, for a Group Director to be placed on warning.

60. Except in cases of gross misconduct, Tiffany has a well-settled practice of giving employees, including managers, a written notice, known as an advisory notice, and an opportunity to improve before they are placed on warning and threatened with termination.

61. No Group Director could be placed on warning without the involvement of members of senior management and representatives from the Human Resources department.

62. The Human Resources Department is required to sign off on any decision to place a Tiffany employee on warning, which almost always leads to the employee resigning or being fired shortly thereafter.

63. Being placed on warning does irreparable damage to one's career at Tiffany and related luxury retailers.

64. As a result of the warning, McClure was denied annual bonus compensation and merit compensation. Based on McClure's sales results, his bonus compensation should have approximated 20% of his base salary, or the sum of $30,000. McClure's merit bonus should have been 2-5% of his salary, or another $3,000-$7,000.

65. McClure was terribly shaken by his unfair adverse performance review, lost bonus and merit awards, and the irreparable damage that it did to his standing at Tiffany and to the career he has worked so hard over 20 years to develop.

Tiffany's First Sham Investigation

66. McClure promptly submitted a discrepancy statement on March 28th, which is the submission required by Tiffany when one disagrees with his or her PMP. In it McClure objected to: the unfairness of his review, Bruckner's apparent agenda to get rid of him from the start and racial bias at Tiffany.

67. Some time after sending the discrepancy statement, a representative from Human Resources interviewed McClure. The interview took place on April 11. Although the representative purported to be conducting an impartial investigation, he never asked about Ledru's request for pictures of the Store Directors and Group Directors. McClure provided additional details relevant to his discrepancy statement, including that Bruckner had harassed him for months prior to placing him on warning, including by unduly criticizing him, having a member of Human Resources present whenever meeting with him, attempting to uncover "dirt" on him, making frequent visits to his stores,

interviewing his staff with a Human Resources representative present, and generally attempting to undermine him with his staff.

68. It soon became clear to McClure that the Human Resources representative was not investigating Ledru, Bruckner or other senior management with regard to giving a biased 2013 review, but rather was coordinating Tiffany's defense of a potential race discrimination claim by McClure. Before long, it was "agreed" that McClure should "better coordinate" with Bruckner by trying to call him at least every other day.

Tiffany's Second Sham Investigation and the Anonymous Letter

69. On Friday, May 2nd, McClure, by his counsel, submitted another document to Tiffany. It further detailed the discriminatory treatment against McClure and included additional details around Tiffany's systemic, nationwide pattern and practice of racial discrimination. Tiffany purported to open another investigation and interviewed McClure again.

70. On Thursday, May 8, 2014, McClure received an inter-office envelope containing a letter. The letter, which was typed and unsigned, read in relevant part as follows:

> To: Michael McClure
>
> Shortly after Anthony Ledru visited your market he made a comment to a small group of male Market Vice Presidents that I think you should be made aware of; in reference to you, he expressed a surprise that "a black man is representing the Tiffany brand."
>
> I am providing this information so as to fill background if any attempt is made to terminate your employment…

68. McClure shared the letter with his manager Market Vice President, Jonathan Bruckner, who happened to be in his office when the letter was received. Bruckner in turn shared the letter with Tiffany's internal counsel.

69. On Friday at approximately 2:30 P.M., less than one day after receipt of the letter indicating that Tiffany has a racist decision maker in its most senior ranks who does not believe that McClure or other African-American should represent its brand, Tiffany "concluded" its second investigation.

70. Tiffany determined that no racial bias existed at its company. Tiffany also determined that McClure should accept a peer coach to assist him in interacting with Bruckner.

71. McClure reported to 5 Market Vice Presidents prior to Bruckner and never had a problem interacting with any of them.

72. Tiffany also concluded that McClure's review may have been too harsh and that he should only have been given an advisory notice, and not been placed on warning. A bonus payment was also subsequently made, although none of the unfair criticisms were amended or removed.

73. Tiffany's second investigation was a sham from the start and was neither undertaken, nor conducted in good faith.

74. McClure's career and reputation has been threatened with irreparable damage as result of Tiffany's discriminatory conduct, including loss of wages, professional standing and opportunities for employment and advancement. McClure's unfair treatment by new management results from racial bias.

75. Tiffany does not want an African-American running one of its flagships stores or among its senior leadership.

76. Tiffany's current management does not want African-Americans representing the Tiffany brand.

Tiffany Engages in Systematic Discrimination in Employment

77. Tiffany engages in a nationwide pattern and practice of discrimination against African-Americans which includes, but is not limited to, the following practices:

a) failing to hire African-Americans into customer facing management level positions;

b) failing to retain African-Americans on the same basis as non-African Americans;

c) failing to promote African-Americans, including particularly to customer facing management level positions;

d) failing to support African-Americans with adequate resources in high paying jobs;

e) denying African-Americans the opportunity to become managers;

f) taking race into account when making employment decisions, including but not limited to decisions regarding hiring, promoting, and training;

g) failing to credit African-Americans for their experience on the same basis as non-African-Americans and failing to consider African-Americans for timely promotions or title changes on the same basis as non-African-Americans;

h) systematically denying African-Americans opportunities to increase their earnings;

i) negligently hiring and/or retaining individuals with known propensities to discriminate against or harass African-Americans;

j) creating an environment that is hostile and offensive to African-Americans;

k) making employment decisions based on race and/or racial stereotypes;

l) and intentionally or knowingly adopting, implementing and retaining policies and practices that have a disparate impact on African-Americans.

FIRST CLAIM
(Discrimination and Harassment in Violation of Section 1981)

78. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

79. Defendants have discriminated against McClure on the basis of his race and/or color in violation of Section 1981 by denying him the same terms and conditions of employment available to employees who are not African-American, including but not limited to, denying him opportunities for promotions, issuing unfair reviews, denying him bonus and other compensation, harassing him, seeking to undermine him in front of his staff, threatening him with termination and denying him the opportunity to work in an employment setting free of unlawful harassment.

80. Defendants have discriminated against McClure on the basis of his race and/or color in violation of Section1981 by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive racial bias against McClure and other African-Americans.

81. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of Section 1981, McClure has suffered and continues to suffer monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

82. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of Section 1981, McClure has suffered and continues to suffer emotional distress, including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

83. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of Section 1981 for which McClure is entitled to an award of punitive damages.

SECOND CLAIM
(Retaliation in Violation of Section 1981)

84. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

85. Defendants have retaliated against McClure by modifying the terms and conditions of his employment, in violation of Section 1981, for his opposition to Defendants' discriminatory practices.

86. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of Section 1981, McClure has suffered, and continues to suffer, monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

87. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Section 1981, McClure has suffered and continues to suffer mental anguish and emotional distress, including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

88. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of Section 1981 for which McClure is entitled to an award of punitive damages.

THIRD CLAIM
(Discrimination and Harassment in Violation of
New York State Human Rights Law)

89. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

90. Defendants have discriminated against McClure on the basis of his race/color in violation of New York State Human Rights Law by denying him equal terms and conditions of employment, including but not limited to, denying him opportunities for promotions, issuing an unfair review, denying him bonus and other compensation, harassing him, seeking to undermine him in front of his staff, threatening him with termination and denying him the opportunity to work in an employment setting free of unlawful harassment.

91. Defendants have discriminated against McClure on the basis of his race/color, in violation of New York State Human Rights Law by creating, fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy severe racial bias among one or more key decision makers.

92. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of New York State Human Rights Law, McClure has suffered and continues to suffer monetary and/or economic harm, for which he is entitled to an award of monetary damages and other relief.

93. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of New York State Human Rights Law, McClure has suffered and continues to suffer mental anguish and emotional distress including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

FOURTH CLAIM

(Retaliation in Violation of New York State Human Rights Law)

94. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

95. Defendants have retaliated against McClure by, inter alia, modifying the terms and conditions of his employment, in violation of New York State Human Rights Law for his opposition to Defendants' discriminatory practices towards him and for lodging complaints concerning such discrimination.

96. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of New York State Human Rights Law, McClure has suffered, and continues to suffer, monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

97. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of New York State Human Rights Law, McClure has suffered and continues to suffer mental anguish and emotional distress, including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

FIFTH CLAIM

(Discrimination and Harassment in Violation of NYCHRL)

98. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

99. Defendants have discriminated against McClure on the basis of his race and/or color in violation of NYCHRL by denying him the same terms and conditions of employment available to employees who are not African-American, including but not limited to denying him opportunities for promotions, issuing unfair reviews, denying him bonus and other compensation, harassing him, seeking to undermine him in front of his staff, threatening him with termination and denying him the opportunity to work in an employment setting free of unlawful harassment.

100. Defendants have discriminated against McClure on the basis of his race and/or color in violation of NYCHRL by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive racial bias against McClure and other African-Americans.

101. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYCHRL, McClure has suffered and continues to suffer monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

102. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYCHRL, McClure has suffered and continues to suffer

emotional distress, including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

103. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of NYCHRL for which McClure is entitled to an award of punitive damages.

SIXTH CLAIM
(Retaliation in Violation of Section NYCHRL)

104. McClure hereby repeats and realleges each and every allegation in paragraphs 1 through 77, inclusive, as if fully set forth herein.

105. Defendants have retaliated against McClure by modifying the terms and conditions of his employment, in violation of NYCHRL, for his opposition to Defendants' discriminatory practices.

106. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of NYCHRL, McClure has suffered, and continues to suffer, monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

107. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYCHRL, McClure has suffered and continues to suffer mental anguish and emotional distress including but not limited to humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering.

108. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of NYCHRL for which McClure is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, McClure prays that the Court enter judgment in his favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York, and the City of New York;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An order directing Defendants to place McClure in the position he would have occupied but for Defendants' discriminatory and retaliatory treatment and otherwise.

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate McClure for all monetary and/or economic damages;

E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate McClure for harm to his professional and personal reputation and loss of career fulfillment;

F. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate McClure for all non-monetary and/or compensatory damages, including but not limited to, compensation for their mental anguish, humiliation, embarrassment, stress and anxiety, emotional pain and suffering, and emotional distress and physical injuries;

G. An award of damages for any and all other monetary and/or non-monetary losses suffered by McClure in an amount to be determined at trial, plus prejudgment interest;

H. An award of punitive damages;

I. An award of costs that McClure has incurred in this action, as well as McClure's reasonable attorneys' fees to the fullest extent permitted by law; and

J. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

McClure hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York
May 29, 2014

KRAUS & ZUCHLEWSKI LLP
Attorneys for Plaintiff
Michael McClure

By: ______________________
Robert D. Kraus (9354)
500 Fifth Avenue, Suite 5100
New York, NY 10110
Tel: (212) 869-4646
Fax: (212) 869-4648